



Entered on Docket
June 08, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Approving Compromise Settlement of
Claims Filed by Homfeld II LLC and Edward
W. Homfeld**

Hearing Date: May 9, 2011

Hearing Time: 10:30 a.m.

The Motion for Approval of Compromise Settlement of Claims filed by Homfeld II, LLC and Edward W. Homfeld, (the "Motion"), [DE 8277] came before the Court for consideration at the hearing held on May 9, 2011; due notice of the Motion and Notice of Hearing [DE 8279] having been given; no objections having been filed; and good cause now appearing, it is

1 ORDERED:

2 1. The Motion is granted;

3 2. Proof of Claim No. 10725-01687 filed by Homfeld II, LLC in the amount of
4 \$2,861,221.63 is hereby allowed as an unsecured non-priority claim in the amount of
5 \$2,191,765.92 (including \$225,987.39 previously allowed on this claim). Portions of this
6 claim have been disallowed by prior orders of this Court. The remaining balance of Claim
7 10725-01687 of \$655,259.51 is hereby disallowed;

8 3. Proof of Claim No. 10725-01688 filed by Edward W. Homfeld in the
9 amount of \$1,195,348.90 is hereby allowed as an unsecured non-priority claim in the
10 amount of \$896,511.68. The balance of Claim 10725-01688, \$298,837.22 is hereby
11 disallowed.

12 4. Based upon the portion of Proof of Claim No. 10725-01687, which has not
13 been previously allowed as an unsecured non-priority claim (\$1,965,778.53) the Trust is
14 hereby directed to make an immediate 4.92% distribution (\$96,716.31) to Homfeld as the
15 *pro rata* share of the funds reserved by the Trust from the initial creditor distribution by
16 the Trust.

17 5. Based upon the allowed portion of Proof of Claim No. 10725-01688
18 (\$896,511.68), the Trust is hereby directed to make an immediate 4.92% distribution
19 (\$44,108.38) to Homfeld as the pro-rata share of the funds reserved by the Trust from the
20 initial creditor distribution by the Trust.

21 6. All other funds reserved for disputed proofs of claim submitted by Homfeld
22 will be released from the Disputed Claims Reserve and made available to the Trust for
23 whatever purpose is appropriate in the administration of the Trust.

24 7. Each party to bear their own costs and attorneys' fees.
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2 APPROVED AS TO FORM AND CONTENT

3
4 By: s/ Edward W. Homfeld
5 Edward W. Homfeld,
6 Individually and on behalf
7 of Homfeld II, LLC

8
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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18 *Attorneys for USACM Liquidating Trust*

LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

- _____ This Court has waived the requirement set forth in LR 9021(b)(1).
- XXX No party appeared at the hearing or filed an objection to the motion.
- _____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: <u>Edward M. Homfeld</u>	
<input checked="" type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker.
Attorneys for USACM Liquidating Trust

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